

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

R&P SEAFOOD/SHELLFISH, INC. &
FOUR SEAS, INC.

Plaintiffs

v.

KENNEBUNK SAVINGS BANK,

Defendant

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Case No. 05-cv-10420-MLW

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

NOW COMES Defendant, Kennebunk Savings Bank, and requests this Court incorporate the following questions in its voir dire of the jury panel members.

1. Do you feel that simply because a person brings a lawsuit that he or she is entitled to recovery?
2. Are you acquainted with or do you have any knowledge about this case?
3. Are you acquainted with or do you know any of the parties who may testify in this case?
4. Are you acquainted with or do you know any of the witnesses that may be called in this case?
5. Do any of you know any of the lawyers in this case?
6. Have any of the lawyers in this case or have the law firms with which they are associated ever worked for you, your family members, or close personal friends?
7. Are you aware of any publicity or news accounts of the underlying facts involved in this lawsuit or any publicity or news accounts concerning these parties in any other matter?
8. Are any of you close personal friends with any member of the jury panel?
9. Do any of you work for the same employer?

10. Are any of you related by blood or marriage to any member of the panel?
11. Have any of you ever had your depositions taken in connection with a civil lawsuit?
12. Have any of you ever testified in Court on behalf of a Plaintiff or a Defendant in a civil lawsuit?
13. Have any of you in the past or are any of you now a party to a civil lawsuit either as a Plaintiff or a Defendant?
14. Has any close friend or family member ever been a party to a civil lawsuit either as a Plaintiff or a Defendant?
15. Have any of you, or any members of your immediate family, ever had any kind of legal training?
16. Do you have feelings of dislike for lawyers or the legal profession?
17. Can you think of any personal and/or moral beliefs that you have that would make it impossible for you to base your decision on the evidence you hear and see during the course of this trial?
18. Have any of you had prior service as a juror in a civil case, either during this term of Court or at a term prior of either the United States District Court, or any Massachusetts State Court?
19. As you know, it will be the duty of each juror selected in this case to base his or her decision on the evidence produced in the courtroom during this trial. Can any of you think of any reason why you would have difficulty or find it impossible to base your decision on the testimony of the witnesses and exhibits produced during the course of this trial?
20. This trial may last for four to five days. Can any of you think of any reason why it would be difficult or impossible for you to sit on a jury for that length of time?
21. Do any of you feel it would be difficult or impossible for you to return a verdict in favor of a bank?
22. Have any of you, or any members of your immediate family or close friends ever worked in the fishing industry?
23. If you were one of the parties in this case, either one of the Plaintiffs or the Defendant, can you think of any reason why you would not want a person like yourself to sit as a juror?

24. Have you formed any opinions that would prevent you from being completely fair and objective in this action?
25. Have any of you or any members of your immediate family or close friends ever been involved in a dispute with a bank?
26. Have any of you or any members of your immediate family or close friends ever failed to receive money due to you because a business filed for bankruptcy?
27. Do any of you have any negative feelings, for whatever reason, against Kennebunk Savings Bank?
28. Do any of you have any negative feelings, for whatever reason, against businesses located in Maine?

Dated at Portland, Maine this 30th day of May, 2006.

/s/ Lisa F. Bendetson

Lisa F. Bendetson, Esq. (BBO#567069)

/s/ James M. Bowie

James M. Bowie, Esq.
Attorneys for Defendant, Kennebunk Savings Bank

CERTIFICATE OF SERVICE

I, James M. Bowie/Lisa F. Bendetson, attorney for Defendant, Kennebunk Savings Bank, hereby certify that I made service of the foregoing document titled: “Defendant’s Proposed Voir Dire Questions” with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following: Marc D. Kornitsky, Esq., and I hereby certify that on this date I did not mail by the United States Postal Service, said submission to non-registered participants as there are no non-registered participants for this case.

Dated at Portland, Maine, this 30th day of May, 2006.

/s/ Lisa F. Bendetson

Lisa F. Bendetson, Esq. (BBO#567069)

/s/ James M. Bowie

James M. Bowie, Esq.
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